

ROBERT HAWKINS #131159
CHAPTER 7 TRUSTEE
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Chapter 7 Trustee

**IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA**

In the Matter of

PATRICK A. MCCARTHY and
ELLEN E. MCCARTHY,

Debtors.

Case No. 10-60425-B-7F
DC No. RHT-2

**TRUSTEE'S MOTION FOR
AUTHORIZATION TO SELL
CO-OWNED REAL PROPERTY
(11 U.S.C. §363)**

Date: July 6, 2011
Time: 10:00 a.m.
Dept: B

**TO THE HONORABLE W. RICHARD LEE, UNITED STATES BANKRUPTCY
JUDGE:**

Robert Hawkins respectfully represents:

1. He is the duly appointed, qualified, and acting trustee for the above-entitled estate.
2. The above-captioned case was filed under Chapter 7 on or about September 9, 2010, and an order for relief was entered. Robert Hawkins was appointed Chapter 7 Trustee.
3. This Court has jurisdiction over this proceeding by virtue of 28 U.S.C. Section 1334(b) and (d), Section 157(b)(2)(N), and 11 U.S.C. Sections 363. This is a core proceeding.
4. Among the assets of this estate is community real property commonly known as 54 Westgate Circle, Santa Rosa, California, APN 035-282-011.
5. The Trustee has obtained an offer from Secured Investors Holdings LT to purchase the subject property for the total sum of \$115,000.00 cash.

6. The Trustee has agreed to pay a commission to Hurd Real Estate in the amount of six percent (6%) of the purchase price in connection with the sale.

7. The Trustee has reviewed the Preliminary Report which indicates that the property is not subject to any liens or encumbrances. The Trustee is informed and believes that the subject real property is co-owned by the debtor's brother, Michael McCarthy, and that the co-owner consents to the sale. After payment of escrow costs and the co-owner's one-half of the net sale proceeds, the Trustee expects the estate to net approximately \$52,900.00 from the sale.

8. Said offer is the best and highest offer received for the property and, in the opinion of the Trustee, said offer is for the full and fair market value of the property. Said sale is subject to higher and better offer in increments of \$1,000.00.

9. The Trustee believes that confirmation of the sale on the terms set forth above is in the best interest of the creditors of this estate and all parties in interest.

WHEREFORE, the Trustee prays that, after appropriate notice and opportunity to be heard, he be authorized to sell the above-described asset to Secured Investors Holdings LT, or nominee, for the total sum of \$115,000.00, subject to higher and better offer at the hearing on confirmation of said sale, and that the Court authorize the payment of ordinary sale costs as contemplated by the parties in order to close escrow.

DATED: JUNE 8, 2011

/S/

ROBERT HAWKINS,
Chapter 7 Trustee